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IN THE THIRD DISTRICT COURT – WEST JORDAN DEPARTMENT

SALT LAKE COUNTY, STATE OF UTAH

STATE OF UTAH,

Plaintiff,

vs.

SHAWN ANNE PARKER
DOB: 08/03/1963

Defendant.

INFORMATION

IFD No. 4600

Case No. _____

Judge _____

THE STATE OF UTAH TO THE ABOVE NAMED DEFENDANT:

A Complaint has been made by Investigator Steven Jentzsch, Department of Insurance,
and Fraud Division that you committed the crimes of:

COUNT 1

UNLAWFUL DEALING OF PROPERTY BY A FIDUCIARY, a Second Degree Felony, in the State of Utah, between on or about April 12, 2013 through on or about February 19, 2015, in violation of Utah Code §76-6-513(2), 2010, in that **SHAWN ANNE PARKER**, did deal with property that had been entrusted to her as a fiduciary, in a manner which she knew was a violation of her duty which involved substantial risk of loss or detriment to the owner or to a person whose benefit the property was entrusted the value of which exceeded \$5,000. To wit: **Acting as an agent for Commerce Land Title, the Defendant deposited escrow funds into a money market account with Wells Fargo Bank, then withdrew and deposited the money in different accounts. When the escrow funds were needed for a project closing, neither the money nor the Defendant could be located.**

COUNT 2

COMMUNICATION FRAUD, a Second Degree Felony, in the State of Utah, on or about August 22, 2014, in violation of Utah Code §76-10-1801(1)(d), 2010, in that **SHAWN ANNE PARKER**, did devise any scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and who communicates directly or indirectly with any person by any means for the purpose of executing or concealing the scheme or artifice, and the value of the money or thing obtained exceeded \$5,000. To wit: **The Defendant represented to the Department of Insurance the funds had been transferred to the victim in 2010 and she would provide proof. No proof of disbursement was ever provided.**

COUNT 3

UNLAWFUL DEALING OF PROPERTY BY A FIDUCIARY, a Third Degree Felony, in the State of Utah, between on or about June 9, 2013 through on or about August 22, 2014, in violation of Utah Code §76-6-513(2), 2010, in that **SHAWN ANNE PARKER**, did deal with property that had been entrusted to her as a fiduciary, in a manner which she knew was a violation of her duty which involved substantial risk of loss or detriment to the owner or to a person whose benefit the property was entrusted the value of which was more than \$1,500, but less than \$5,000. To wit: **To wit: Acting as an agent for Commerce Land Title, the Defendant failed to maintain the trust account for Attorney's Title Guaranty Fund by withdrawing funds for her own use.**

This filing is based on information from the following witnesses: Investigator Steve Jentzsch, Investigator Tammy Greening, Utah Insurance Department, Market Conduct Division, Kevin Ludlow, Sequoia Development, Inc., Attorney Jonathan Butler, Parsons, Behle & Latimer, Brian Coleman, Attorney's Title Guaranty Fund, Inc., Debbie Riddle, Brighton Bank, Bruce I. Bartlett.

PROBABLE CAUSE STATEMENT:

SEQUOIA DEVELOPMENT, INC.

On May 15, 2008, Kevin Ludlow, representative of Sequoia Development, Inc. delivered \$25,000 to the Defendant, who was an agent of Commerce Land Title, Inc., to be used as earnest money for a commercial real estate project in Lehi, Utah. The parties agreed that the funds were to be held in escrow in an interest-bearing trust account until the project closed. It is believed that the Defendant initially deposited the money in the agency's trust account at Wells Fargo, Account No. 39009326161.

On March 17, 2010, Mr. Ludlow contacted the Defendant to inquire about the status of his funds. On this same date, moments before responding to Ludlow's inquiry, the Defendant telephonically opened a business money market account at Brighton Bank under Account No. 11913993 and money was transferred from her trust account (Acct. No. 11043056) at Brighton Bank to the new account. She then told Ludlow that Commerce was still holding Sequoia's money in an interest-bearing account.

On March 23, 2010, the Defendant closed Brighton Bank Account No. 11913993 with a balance of \$25,001.64 and opened another money market account with Brighton Bank (Acct. No.11914017) with a deposit of \$25,366.80.

On April 12, 2013, the Defendant transferred \$25,532.92 from this account back into her trust account (Acct. No. 11043056) at Brighton Bank. In April 2013, evidence shows that the Defendant transferred the money to an unknown type of account at Wells Fargo.

From 2008 until 2013, Mr. Ludlow contacted the Defendant yearly to confirm that the escrow money was safe and to verify that it was still on deposit. The defendant repeatedly assured Mr. Ludlow that the money was still being held in escrow. After that, Mr. Ludlow had no idea where the money was moved to, or if the escrow was established somewhere else, and there was no communication from Commerce Land Title or the Defendant.

On August 7, 2014, Mr. Ludlow attempted to contact the Defendant a number of times to provide the deposited funds to finalize the land transaction. He sent the Defendant wire transfer instructions to send the \$25,000 funds to First American Trust for the closing, but neither the Defendant nor any representative of Commerce Land Title responded to the request. The project closing took place on August 11, 2014. Mr. Ludlow had to provide an additional \$25,000 at the closing for the transaction to proceed due to the Defendant's failure to provide or transfer the funds as requested.

Several attempts were made by Investigator Tammy Greening of the State Insurance Department to contact the Defendant. On August 22, 2014, Investigator Greening made contact

with the Defendant at her then employer's office. When asked why she did not return phone calls, the Defendant indicated that she had lost her phone, but refused to give Agent Greening her new phone number. When asked about the wire transfer of escrow funds for Sequoia Development, the Defendant told Investigator Greening that she had disbursed the money to Mr. Ludlow in 2010. She was asked if she had proof of the disbursement. She replied that she did have proof. Arrangements were made for another meeting with Investigator Greening, however, the Defendant did not appear. Several attempts have been made to serve the Defendant an Administrative Subpoena, but all have been unsuccessful.

ATTORNEY'S TITLE GUARANTY FUND

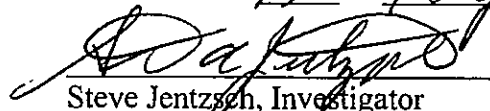
On June 26, 2013, Attorney's Title Guaranty Fund (ATGF) received a returned check in the amount of 1,272.85 marked "non-sufficient funds" from Commerce Land Title. When asked for an explanation, the Defendant said that she was having a problem with Wells Fargo Bank. She stated that the bank allowed some funds to be withdrawn fraudulently. The Defendant claimed to have proof, but none was provided. On June 27, 2013, the Defendant submitted another check to cover the original amount.

After that, ATGF attempted several times to communicate with the Defendant about additional premiums which were due, but the Defendant did not respond. To date, Commerce Land Title and the Defendant owe ATGF \$2,252.16. At the August 22, 2014 meeting, Investigator Greening asked the Defendant about the premiums which are owed to ATGF and Defendant replied that ATGF owed her money, for which she could provide proof.

It appears that Commerce Land Title is no longer in business, however, no formal withdrawal from the industry has been received, and the Defendant has not been located.

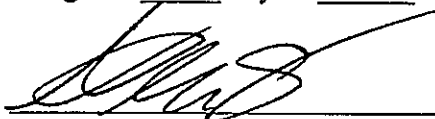
WHEREFORE, THE AFFIANT PRAYS that a Warrant be issued requiring the appearance of **SHAWN ANNE PARKER** on the above Information.

DATED this 25th day of February 2015.
Pursuant to Utah Code Annotated § 78B-5-705
(2008) I declare under criminal penalty of the State
of Utah that the foregoing is true and correct.
Executed on: 25th of February 2015.



Steve Jentzsch, Investigator
Dept. of Insurance, Fraud Division

AUTHORIZED for presentment and filing this 25 day of Feb 2015.



By: Alex Goble
Assistant Attorney General